

October 13, 2010

ITEM NO. A1

**AUTHORIZATION FOR APPROVAL OF THE DRAFT REVISIONS TO THE
ADMISSIONS AND CONTINUED OCCUPANCY POLICY/TENANT
SELECTION PLAN, LEASE, LEASE RIDERS, AND BYLAWS FOR KENMORE
APARTMENTS AND POMEROY APARTMENTS TO INCORPORATE SUCH
DOCUMENTS AS AN ADDENDUM THERETO**

To the Honorable Board of Commissioners

RECOMMENDATIONS

It is recommended that the Board of Commissioners (“Board”) approve the draft revisions to the Admissions and Continued Occupancy Policy/Tenant Selection Plan for Kenmore Apartments and Pomeroy Apartments, substantially in the form as attached to the Resolution, and authorize the Chief Executive Officer to approve any final changes to the ACOP/TSP, Lease, Lease Riders, and bylaws, including, but not limited to, changes based on HUD requirements or resulting from the applicable notice and public comment period; and authorize the amendment of the CHA Admissions and Continued Occupancy Policy (“ACOP”) to add the final form of said TSP, Lease, and Lease Rider and bylaws as an addendum.

FUNDING

No CHA Funding is applicable to this request.

EXPLANATION

Kenmore Apartments and Pomeroy Apartments are senior-designated public housing apartment buildings currently undergoing substantial renovation. For Kenmore Apartments, CHA is seeking the environmentally friendly LEED Platinum Level Certification. This certification requires the owner to minimize exposure of building occupants, indoor surfaces and ventilation air distribution systems to environmental tobacco smoke. For Pomeroy Apartments, CHA was awarded a HUD Capital Fund Recovery Competition (“CFRC”) Category 4: Creation of an Energy Efficient, Green Community Grant. Under this grant, CHA committed Pomeroy Apartments to meet specific Enterprise Green Communities criteria established in the CFRC Notice of Funding Availability (“NOFA”) which includes enforcing a “no smoking” policy in all common and individual living areas of the building. Revisions are therefore required to the ACOP/TSP and Lease for both Kenmore Apartments and Pomeroy Apartments to adopt a No Smoking Policy that is enforceable by the residential lease.

The property specific requirements for applicants contained in the ACOP are based on CHA’s Minimum TSP (Board approved September 21, 2004). A public comment period was held from September 7, 2010 through October 6, 2010. A public comment hearing was held on September 14, 2010 at the Ella Flagg senior building. Notice for the 30-day comment period was published in the Chicago Sun-Times, Chicago Defender, and Hoy

newspapers, as well as posted on the CHA website and on site at the following Office(s): CHA Administrative Office and Central Advisory Council. Consideration was given to any forthcoming comments prior to finalizing the documents.

Draft Revisions to the Admissions and Continued Occupancy Policy (ACOP/Tenant Selection Plan (TSP))

Article IV. Leasing Policies is amended to add the following **No Smoking Policy**:

The premises to be occupied by resident and members of resident's household have been designated a smoke-free living environment. Resident and members of resident's household shall not smoke anywhere in the unit rented by resident, or in the common areas of the building where the resident's dwelling is located, including but not limited to the lobby, reception areas, vestibule, hallways, elevators, stairwells, community rooms, bathrooms, laundry rooms, and offices. Additionally, no smoking is permitted within 25 feet of the building's entry ways, porches and patios. This policy applies to all residents, guests, visitors, service personnel and employees.

Article XIII. Definitions of Terms Used in This Statement of Policies is amended to add the following definition of smoking:

Smoking - for purposes of lease enforcement of the No Smoking Policy set forth in Article IV of the ACOP, means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, pipe, or other tobacco product or similar lighted product in any manner or in any form.

Draft Revisions to the Lease Agreement:

Lease Part 1. Terms and Conditions Section 8. Resident's Obligations is amended to add the following obligation to the resident and authorized members:

To comply with the **No Smoking Policy** pursuant to Article IV of the Admissions and Continued Occupancy Policy (ACOP)/Tenant Selection Plan (TSP). Violation of the **No Smoking Policy** may result in lease termination.

Lease Part 2. Attachment to the Lease is amended to add:

a "No Smoking Lease Addendum" substantially in the form attached to the Resolution

Lease Part 3. Definitions is amended to add the following definition of smoking:

"Smoking" – for purposes of lease enforcement of the No Smoking Policy set forth in Article IV of the ACOP, "smoking" means inhaling, exhaling, breathing or carrying any lighted cigar, cigarette, pipe or other tobacco product or similar lighted product in any manner or in any form.

It is therefore recommended that the Board of Commissioners approve the proposed draft revisions to the ACOP/TSP, Lease, Lease Riders and bylaws for Kenmore Apartments and Pomeroy Apartments and authorize the amendments of the CHA Admissions and Continued Occupancy Policy ("ACOP") to add the final form of said TSP, Lease and Lease Riders and bylaws as an addendum.

RESOLUTION 2010 -CHA-122

WHEREAS, the Board of Commissioners has reviewed the Board Letter dated October 13, 2010 entitled "AUTHORIZATION FOR APPROVAL OF THE DRAFT REVISIONS TO THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY/TENANT SELECTION PLAN, LEASE, LEASE RIDERS, AND BYLAWS FOR KENMORE APARTMENTS AND POMEROY APARTMENTS TO INCORPORATE SUCH DOCUMENTS AS AN ADDENDUM THERETO"

THEREFORE BE IT RESOLVED BY THE CHICAGO HOUSING AUTHORITY

THAT, the Board of Commissioners hereby approves the attached draft revisions to the Admissions and Continued Occupancy Policy/Tenant Selection Plan, Lease, Lease Riders, and bylaws for Kenmore Apartments and Pomeroy Apartments. The Chief Executive Officer is hereby authorized to approve final changes in these forms, including, but not limited to, changes based on HUD requirements, or resulting from any applicable notice and comment process. Such approval shall constitute conclusive evidence of the Board's approval of any and all such changes.

